

R E M A R K S

The Abstract of the Disclosure was objected to for the reasons set forth in Item No. 3 on pages 2 and 3 of the Office Action.

The Abstract of the Disclosure was amended to avoid the objections set forth in the Office Action. Such amendments to the Abstract of the Disclosure include features that were previously recited in claim 22 and features which are supported by the paragraph bridging pages 4 and 5 of the specification.

Withdrawal of the objection to the Abstract of the Disclosure is accordingly respectfully requested.

Claim 18 was amended hereinabove. The amendments to claim 18 include a feature that was previously recited in claim 22. The amendments to claim 18 are also supported by the paragraph bridging pages 4 and 5 of the specification and the second full paragraph on page 7 of the specification.

New claims 30 to 32 involve features recited in claim 18.

Claims 18 to 21 and 29 were rejected under 35 USC 112, second paragraph for the reasons set forth in Item No. 6 on page 3 of the Office Action.

Claim 18 was amended to avoid the 35 USC 112, second paragraph rejection.

In claim 18, as amended, step (e) relates to comparing values from step (c) with prestored values from an individual patient. The invention uses a teach-in phase in which typical values of the patient are evaluated. This is clearly defined in the paragraph bridging pages 4 and 5 of the specification. Step (f) in amended claim 18 relates to a typical logical process when two values are compared, i.e., subtracted from each other and a signal is generated when the deviation from a stored value is greater than a predetermined threshold.

It is therefore respectfully submitted that the present claims comply with all the requirements of 35 USC 112. Accordingly, withdrawal of the 35 USC 112, second paragraph rejection is respectfully requested.

Claims 18 to 20 and 22 were rejected under 35 USC 102 as being anticipated by Casparie et al. USP 5,069,220 (Reference A) for the reasons indicated in Item No. 8 at the top of page 4 of the Office Action.

Claims 21 and 29 were rejected under 35 USC 103 as being unpatentable over Voll (German 2813518), Casparie et al. USP 5,069,220 in view of the prior art cited by the applicants ("PA")

or Savadi et al., Indian Journal of Medical Research, (1973), (1913-1988), 61(2), 245-251 (Reference U) for the reasons set forth in Item No. 12 on page 5 of the Office Action.

It was admitted in the Office Action that Casparie et al. do not teach applying their method of monitoring CO<sub>2</sub> in exhaled breath for predicting ovulation.

Casparie et al. teach only normal breath analysis, whereas the present invention relates to the monitoring of hormonal fluctuations, ovulation prediction, the progress of a pharmacological therapy or the progress of oxygen therapy.

German Patent 2813518 (Voll) teaches only diagnostics of lung function and does not relate to the diagnosis of hormonal fluctuation. Voll does not hinder the patentability of the presently claimed invention, since Voll relates only to lung function.

Savadi et al. disclose a correlation between the CO<sub>2</sub> content in exhaled breath and ovulation. Nevertheless, this teaching is purely of a scientific nature and does not teach or suggest a use of the CO<sub>2</sub> content to predict the coming event of ovulation, which is very important for contraception or conception, whichever is desired.

The prior art which was made of record, but not relied upon, namely Weinfurt et al., Neumann et al., Raemer, Wong and Culver et al., does not relate to the specific task of ovulation prediction.

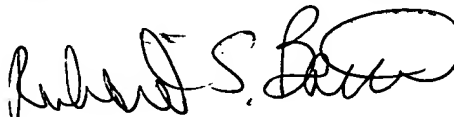
It is therefore respectfully submitted that applicants' claimed invention is not anticipated and is not rendered obvious over the references, either singly or combined in the manner relied upon in the Office Action in view of the distinctions discussed hereinabove. It is furthermore submitted that there are no teachings in the references to combine them in the manner relied upon in the Office Action.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

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Respectfully submitted,

  
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Enc.: PETITION FOR EXTENSION OF TIME